

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

Phillip Blades 15A1573
Plaintiff(s))
vs.)
City of Albany Police Department)
Defendant(s))
Detective Scott Gavigan)
Detective Scalise)
Detective "John Doe")
Detective "John Doe")

INMATE
CIVIL RIGHTS
COMPLAINT PURSUANT
PURSUANT TO
42 U.S.C. § 1983

Case No. 9: CV _____

5:16-cv-1379

Plaintiff(s) demand(s) a trial by: JURY COURT (Select only one).

Plaintiff(s) in the above-captioned action, allege(s) as follows:

JURISDICTION

1. This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1343(3) and (4) and 2201.

PARTIES

2. Plaintiff: Phillip Blades 15A1573
Address: Auburn Correctional Facility
P.O. Box 618
Auburn, N.Y. 13024

Additional Plaintiffs may be added on a separate sheet of paper.

3. a. Defendant: Scott Gavigan
Official Position: Detective
Address: 165 Henry Johnson Blvd.
Albany, N.Y. 12210

b. Defendant: Scalise
Official Position: Detective
Address: 1165 Henry Johnson Blvd.
Albany, N.Y. 12210

c. Defendant: "John Doe"
Official Position: Detective
Address: 1165 Henry Johnson Blvd.
Albany, N.Y. 12210

Additional Defendants may be added on a separate sheet of paper. - See Attached

4. PLACE OF PRESENT CONFINEMENT

a. Is there a prisoner grievance procedure at this facility?

Yes No

b. If your answer to 4a is YES, did you present the facts relating to your complaint in this grievance program?

Yes No

If your answer to 4b is YES,

(i) What steps did you take? Was not a prison incident

(ii) What was the final result of your grievance? _____

3.

d) "John Doe"
Detective
165 Henry Johnson Blvd.
Albany, N.Y. 12210

E) City of Albany Police Department
Police Department
165 Henry Johnson Blvd.
Albany, N.Y. 12210

If your answer to 4b is NO - why did you choose to not present the facts relating to your complaint in the prison's grievance program? _____

Was not a prison incident

c. If there is no grievance procedure in your institution, did you complain to prison authorities about the facts alleged in your complaint?

Yes

No

If your answer to 4c is YES,

(i) What steps did you take? _____

(ii) What was the final result regarding your complaint? _____

If your answer to 4c is NO - why did you choose to not complain about the facts relating to your complaint in such prison? _____

Was not a prison incident

5. PREVIOUS LAWSUITS

a. Have you ever filed any other lawsuits in any state and federal court relating to your imprisonment?

Yes

No

b. If your answer to 5a is YES you must describe any and all lawsuits, currently pending or closed, in the space provided below.

For EACH lawsuit, provide the following information:

i. Parties to previous lawsuit:

Plaintiff(s): _____

Defendant(s): _____

ii. Court (if federal court, name District; if state court, name County):

iii. Docket number: _____

iv. Name of Judge to whom case was assigned: _____

v. Disposition (dismissed? on appeal? currently pending?): _____

vi. Approximate date of filing prior lawsuit: _____

vii. Approximate date of disposition: _____

6.

FACTS

Set forth the facts of your case which substantiate your claim of violation of your civil and/or Constitutional rights. List the events in the order they happened, naming defendants involved, dates and places.

Note: You must include allegations of wrongful conduct as to EACH and EVERY defendant in your complaint. (You may use additional sheets as necessary).

November 20th 2013 Detective Scott Gangan inserted 2 (two) fingers into my rectum performing a cavity search. Detective Scalise slammed me to the floor put his knees on the back of my neck and upper back pinning me to the floor and began punching me in the back of my head and side of my face telling me to "push it out", "make it easier on yourself". Detective "John Doe" held my left leg to prevent me from squirming and kicking me in the torso. Detective "John Doe" held my right leg also trying to prevent me from squirming and stopping the assault.

7.

CAUSES OF ACTION

Note: You must clearly state each cause of action you assert in this lawsuit.

FIRST CAUSE OF ACTION

4th amendment right to be secure in my person, houses, papers and effects, against unreasonable Searches and Seizures was violated when Detective Gavigan inserted two fingers into my rectum to perform a Warrantless cavity search.

SECOND CAUSE OF ACTION

8th amendment right to not have cruel and unusual punishment inflicted when Detective Gavigan inserted (two) fingers into my rectum, when Detective Scalise began punching me in back of head and side of face, when Detective "John Doe" began kicking me in torso, when all officers were deliberately indifferent to my safety during incident,

THIRD CAUSE OF ACTION

14th amendment right to due process and equal protection of the law when they failed to intervene and protect my constitutional rights from infringement by other law enforcement officers in their presence,

8. PRAYER FOR RELIEF

WHEREFORE, plaintiff(s) request(s) that this Court grant the following relief:

Money in the amount of \$10,000,000 (ten million
dollars and zero cents)

I declare under penalty of perjury that the foregoing is true and correct.

DATED: 10/24/16

Phillip Blades
Phillip Blades

Signature of Plaintiff(s)
(all Plaintiffs must sign)

02/2010